

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL CASE NO. 1:10cv073

DORIS S. FISHER,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER)	
OF SOCIAL SECURITY,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court *sua sponte* to review the history of this matter and consider action thereon pursuant to Federal Rule of Civil Procedure 4(m).

On March 29, 2010, the Plaintiff initiated this action by filing a complaint. [Doc. 1]. As of May 10, 2010, Plaintiff had not issued any summons or paid her filing fee. On May 11, 2010, this Court entered an order allowing late payment of the filing fee, but further ordering that future failures by Plaintiff's counsel to meet deadlines in this matter will result in its being summarily dismissed. [Doc. 5].

To date, the Plaintiff has not filed proof of service.

Federal Rule of Civil Procedure 4 provides:

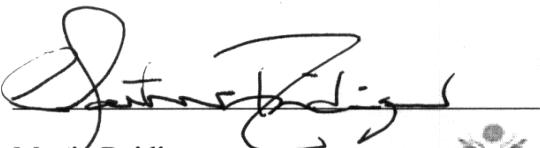
If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed.R.Civ.P. 4(m).

Plaintiff is hereby placed on notice that unless good cause is shown for the failure to issue and effect service of a summons and complaint on the Defendant, this action shall be dismissed with prejudice.

IT IS, THEREFORE, ORDERED that on or before fourteen (14) days of entry of this Order, the Plaintiff shall show good cause for the failure to effect service on the Defendant.

Signed: August 17, 2010



Martin Reidinger
United States District Judge

